THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17986 OF 2005

ORDER:

When the vacate petitions filed by the respondents are listed for consideration, with the consent of both the parties, the main Writ Petition itself is heard and decided.

The petitioner was granted permission to supply diet to the inpatients and duty Doctors in the Area Hospital, Gudiwada vide proceedings of the 1st respondent-Commissioner, A.P. Vaidya Vidhana Parishad, dated 29.04.2005, till the finalization of fresh tenders and he has to supply the diet as per the rate prescribed in G.O.Ms.No.255, Health Medical and Family Welfare (CI) Department, dated 20.6.2003.

This Writ Petition is filed alleging that the 3rd respondent has been taking steps to substitute the petitioner with another temporary diet contractor without following the procedure prescribed under the Circular dated 22.2.2005 as well as G.O.Ms.No.255 dated 20.6.2003.

This Court while directing notice to the respondents by order dated 16.8.2005 directed that pending further orders, the petitioner shall be continued in the same status in which he was appointed. By virtue of the said order, the Writ Petitioner is being continued as on today.

In the counter-affidavit filed on behalf of the respondents 1 to 3, it is stated that basing on the representation of the petitioner, the 1st respondent has accorded permission to the petitioner to supply diet in Area Hospital, Gudiwada as a stop gap arrangement till the finalization of the fresh tenders, and accordingly, the proceedings dated 29.4.2005 were issued. Subsequently, on 10.6.2005, the 3rd respondent has called for fresh tenders for supply of diet in Area Hospital, Gudiwada and the last date for submission of tenders was 10.7.2005. It is also stated that altogether three bidders, including the Writ Petitioner, have participated in the tender

process, however, the same could not be finalized in view of the pendency of the present Writ Petition.

It is also relevant to note that one of the bidders who submitted his tender in pursuance of the tender notice dated 10.6.2005 got himself impleaded as respondent No.4 and filed a separate counter-affidavit.

I have heard the learned counsel for both the parties and perused the material on record.

As per Circular dated 22.2.2005 issued by the 1st respondent, a detailed procedure has been prescribed for allotting diet contracts to the contractors for supply of diet to the inpatients in the hospitals run by A.P. Vaidya Vidhana Parishad. Detailed guidelines have also been prescribed with regard to diet schedule as well as diet rates. As per the said Circular as well as the guidelines, the appointment of the diet contractor shall be only by inviting tenders. The learned counsel for the petitioner does not dispute the same. As a matter of fact the order dated 29.4.2005 itself shows that the petitioner was accorded permission to supply diet only till the finalization of the fresh tenders. It is clear from the counter-affidavit filed on behalf of the respondents 1 to 3 that the 3rd respondent has issued tender notice dated 10.6.2005 in accordance with the guidelines, and that the diet contract will be awarded only to the successful bidder. In the circumstances, the allegations made by the petitioner are unfounded and the Writ Petition is misconceived. The Writ Petition is accordingly dismissed. No costs.

However, this shall not prelude the petitioner to participate in response to tender notice dated 10.6.2005 in which event, the 1st respondent shall consider the same along with other bids received and take necessary further action in accordance with law.

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(G. ROHINI,J)

17th November, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.17986 OF 2005

17th November, 2005.

Between:

P. Sriram Murthy. .. Petitioner.

And

The Commissioner,

A.P. Vaidya Vidhana Parishad,

Sultan Bazar, Koti, Hyderabad

and two others. .. Respondents.